



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/469,506	12/22/1999	MICHAEL O'DELL	UUN99001	5045

25537 7590 12/29/2003

WORLD COM, INC.  
TECHNOLOGY LAW DEPARTMENT  
1133 19TH STREET NW  
WASHINGTON, DC 20036

EXAMINER
----------

NGUYEN, HANH N

ART UNIT	PAPER NUMBER
----------	--------------

2662

DATE MAILED: 12/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/469,506

Applicant(s)

O'DELL ET AL.

Examiner

Hanh Nguyen

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Amendment filed on 10/3/03.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Claim Objections*

Claims 24-25 are objected to because of the following informalities:

In claim 24, line 7, “terminating device” should not be terminated by a comma “,” .

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-7, 10-16, 19-22 and 24-27 are rejected under 35 USC 102 (e) as being anticipated by **Wang et al.** (US Pat. No. 6,636,505 B1).

In claims 1, 2, 10, 11, 19, 20, 24 and 26, **Wang et al.** discloses an Ethernet home network 210 comprising PCs (end users) executing software instructions to perform point-to-point

Art Unit: 2662

communication (end users executing software that communicate over an Ethernet LAN and establishing PPP communication sessions). See Figs. 9&11 & col.13, lines 35-60 & col.26, lines 20-40. PCs encapsulate ethernet packets (encapsulating ethernet packet; see col.17, lines 10-30) and transmit request for PVC to ATU-R that is coupled to the home network (forwarding the encapsulated packet to CPE that is coupled to the LAN; see col.16, lines 32-37). ATU-R (DSL modem) communicates with DSLAM 90 (line terminating equipment) to configure a PVC. DSLAM 90 connects to one of ATM switches 90 (Mux/Demux). See Fig.4. A PVC (a communication channel) is provided between PCs (end users) through ATM UNI (col.8, line 1-15) and mapped to ISP 100 (terminating at a remote server) such as multiple PPP communication sessions from PCs are carried over the PVC (simultaneously carrying sessions over a communication channel). See col.16, lines 57-65 & lines 10-15. Fig.9 shows that Internet 240 receives packet from ISP (forward packets to packet switch network).

In claims 7, 16 and 22, **Wang et al.** discloses PCs allowed to access one or more service providers 100 by PC provided between DSLAM 90 and PCs (dynamically selecting network services). See col.9, lines 35-45.

In claims 3, 12 and 21, the limitations of these claims have been addressed in claim 1.

In claim 4, **Wang et al.** discloses ATM PVC is established over an ATM network 80 (a communication channel exists over ATM network). See Fig.4.

In claim 13, **Wang et al.** discloses, in Fig.2, an ATM switch of ATM network 80 performing mux/demux (multiplexer/demultiplexer is an ATM switch).

In claims 5 and 14, **Wang et al.** discloses an ATM's PVC is assigned to PCs (a PVC associated with ATM network is assigned to the CPE). See col.9, lines 35-45.

In claim 6 and 15, **Wang et al.** discloses a mapping of VPI/VCI's are assigned to multiple PPP over a single PVC (PPP sessions are mapped to distinct VPI/VCI's). See col.8, lines 1-15 & col.16, lines 55-65.

In claims 25 and 27, **Wang et al.** discloses in Fig.4 PCs can request for PPP connections different ISPs 100 (PPP corresponds to a first network service provider and a second network service provider), wherein each ISP is assigned a PVC (see col.8, lines 1-15).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9 and 18 are rejected under 35 USC 103 (a) as being unpatentable over **wang et al.** (US Pat. No. 6,636,505 B1) in view of in view of **Gidwani** (US Pat. No. 6,640,239 B1).

In claims 9 and 18, **Wang et al.** does not disclose processing accounting information for each of user stations. **Gidwani** discloses, in Fig.1, billing server 128 processing charges to subscribers (processing accounting information). See col.7, lines 1-5 & col.20, lines 35. Therefore, it would have been obvious to one ordinary skill in the art to modify the **Wang et al.** by adding the the Billing server 128 of **Gidwani** so that accounting information of PC users is billed in accordance with the requested service.

Claims 8, 17 and 23 are rejected under 35 USC 103 (a) as being unpatentable over **Wang et al.** (US Pat. No. 6,636,505 B1).

X In claims 8, 17 and 23, **Wang et al.** discloses PC users transmit ethernet packet via a bus in home network (see Fig.11), but does not disclose the packets conform with Ethernet V2 format. Therefore, it would have been obvious to one ordinary skill in the art to modify the Wang et al. by using V2 Ethernet packet.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cohen et al. (US Pat. No. 6,404,861 B1) discloses DSL Modem with Management Capability.

Brodigan (US Pat. No. 6,473,427 B1) discloses ATM Based VDSL Communication System Having Meta Signaling for Switching a Subscriber Between Different Data Service Providers.

Chiu (US Pat. No. 6,597,689 B1) discloses SVC Signalling System and Method.

Art Unit: 2662

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 703 306-5445. The examiner can normally be reached on Monday-Friday 8:00 AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 703 306-4744. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872-9314 for regular communications and 703 308-9051 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-4700.

Fax number: (703) 872-9314

Hanh Nguyen

A handwritten signature in black ink, appearing to read 'Hanh Nguyen', written in a cursive style.

December 17, 2003